

QUID NOVI

**Université McGill,
Faculté de Droit
Volume 31, no. 12
2 février 2010**

**McGill University,
Faculty of Law
Volume 31, no. 12
February 2nd, 2010**

I got 99 problems...

Law School of Rock 2010

is the answer to all of them

**Jeudi 4 février
8:00pm-11:00pm
@Gerts**

QUID NOVI

3661 Peel Street
Montréal, Québec
H2A 1X1
(514) 398-4430
www.law.mcgill.ca/quid

Editors-in-Chief

Courtney Retter
Chanel Sterie

In-House Diva

Charlie Feldman

Webmaster

Ryan Schwartz

Layout Editors

James Nowlan
Lexi Pace

Associate Editors

Stefanie Carsley
Eliza Cohen
Michelle Felsky
Andrea Girardin
Faizel Gulamhussein
Daniel Haboucha
Allison Jaskolka
Bonnie King
Ilya Kirtsman
Mathieu Kissin
Marie-Pier Leduc
Carrie Levitt
Corey Omer
Evan Paperman
Brett Pedvis
David Rapps
Christina Sauro
Laura Scheim
Nikita Stepin
Lucinda Tang
Eva Warden
Krista Zeman

Staff Writers

Chase Bartlett
Kirk Emery
Andrea Girardin
Michael Shortt
Marc Tacheji

IN THIS ISSUE...

3. The State of the Union
5. Taking a step back...
8. Réponse à l'article
9. Une question de méthode
10. Bottin
11. What Are You Having for Dinner
12. Le Bien, le Droit, la Moralité
15. New York Funeral
16. Grading vs. Marking
17. Public Forum on Afghanistan: A New Way Forward
18. Composting
19. Managing Stress
20. Droit à l'image

Éditorial/Editorial

What the Quid is, and what the Quid isn't

Chanel Sterie (Law II)

Following last week's article "Getting the LSA Back On Track", comments and questions arose within the faculty as to the accuracy of the information that was being conveyed to students and other faculty members. Many articles in this week's issue - from both LSA Executive and Council members - seek to clarify information that may have been "misleading" in that article.

While the Quid Novi team does its best to review articles for accuracy, it must be noted that the publication is not a newspaper in the traditional sense. We have no newsroom, no reporters, and very limited resources.

Comme indiqué en bas de la première page intérieure, les articles soumis sont des commentaires qui ne reflètent que les opinions de leur(s) auteur(s). Le Quid n'a pas de correspondants qui couvrent les diverses réunions et événements de la faculté. La publication dépend donc des articles qui nous sont soumis et qui parfois, et presque inévitablement, ne représentent pas un point de vu objectif.

It would be great to have regular correspondents reporting on LSA meetings
continued on p.4

The *Quid Novi* is published weekly by the students of the Faculty of Law at McGill University.
Production is made possible through the direct support of students.

All contents copyright 2010 *Quid Novi*.

Les opinions exprimées sont propres aux auteurs et ne reflètent pas nécessairement celles de l'équipe du *Quid Novi*.

The content of this publication does not necessarily reflect the views of the McGill Law Students' Association or of McGill University.

Envoyez vos commentaires ou articles avant jeudi 5pm à l'adresse: quid.law@mcgill.ca

Toute contribution doit indiquer l'auteur et son origine et n'est publiée qu'à la discrétion du comité de rédaction, qui basera sa décision sur la politique de rédaction telle que décrite à l'adresse:
<http://quid.mcgill.ca/edpolicy.php>

Contributions should preferably be submitted as a .doc attachment (**and not, for instance, a ".docx."**).
Contributions should also include the **student year** of the contributor.

The State of the Union

by Chase Bartlet (LAW I)

While I have never hidden my criticisms of President Obama, I have been, albeit cautiously, optimistic towards his policies. Last night, I approached his first State of the Union address with a similar attitude. The past year has, no doubt, been slow-going. It's difficult to swing a ship with as much momentum as the US around in such a short period of time when it has been on a collision course straight towards its own greed, ignorance, and indifference.

The rhetoric was just that, but I tried not to be too jaded towards it. Yet at the same time, I wondered how many big-shots behind the scenes were just laughing at how easily the masses might be duped by the pep-rally. Perhaps I'm naïve, but I like to think the government isn't completely whacked, and that Obama really means what he says. Honestly, I think he does.

So I propped my US passport on the coffee table and cuddled up on the couch with a pint of Ben and Jerry's. I then scribbled down anything that caught my eye. You've all no doubt read the commentaries, read the rebuttals, and seen enough opinion on the subject to grow bored. So instead, rather than take a pedantic approach, I am, with as little added commentary as possible, reproducing those immediate reactions and observations below straight from my notebook, because after all, these are the genuine anecdotes that lay the framework for any future articulation:

1) Michelle looks upset tonight; perhaps he said something rude at dinner.

2) "We chose to move forward as one nation." Don't forget me, please.

3) Nancy Pelosi apparently has a cold. She blinks a lot.

4) Geithner is shown when discussing how awful the economy is. Co-

incidence? I think not.

5) Obama says he's never been more hopeful about the US; there is much clapping. But I must admit that I have been a lot more hopeful about America than I am tonight.

6) Economy. He says it's been our first priority. Has it? At least we all hate the bank bailout. Even him. I'd rather have had a root canal, but Obama explains that this bailout was necessary, albeit unpopular. As he says this, I saw Geithner smile for the very first time in my entire life. Let the record show. It may never happen again.

7) There shall be a fee on the biggest banks. Good. Expanded unemployment benefits, 25 different tax cuts for 95% of working families, small businesses, and students. 30 billion is to be given to small banks to help companies stay afloat.

8) WHO are these unhappy executive-looking men? They look unbelievably angry at all this economic discourse. Ew!

9) We are going to eliminate capital-gain taxes to help small-businesses.

I wonder how he feels about corporate personhood... Infrastructure is important. Do I hear relics of TVA? We need to build the infrastructure of tomorrow, and I want us to have the fastest trains.

10) We are to slash taxes for companies that keep jobs in the US and take away tax breaks from those that do not. Right.

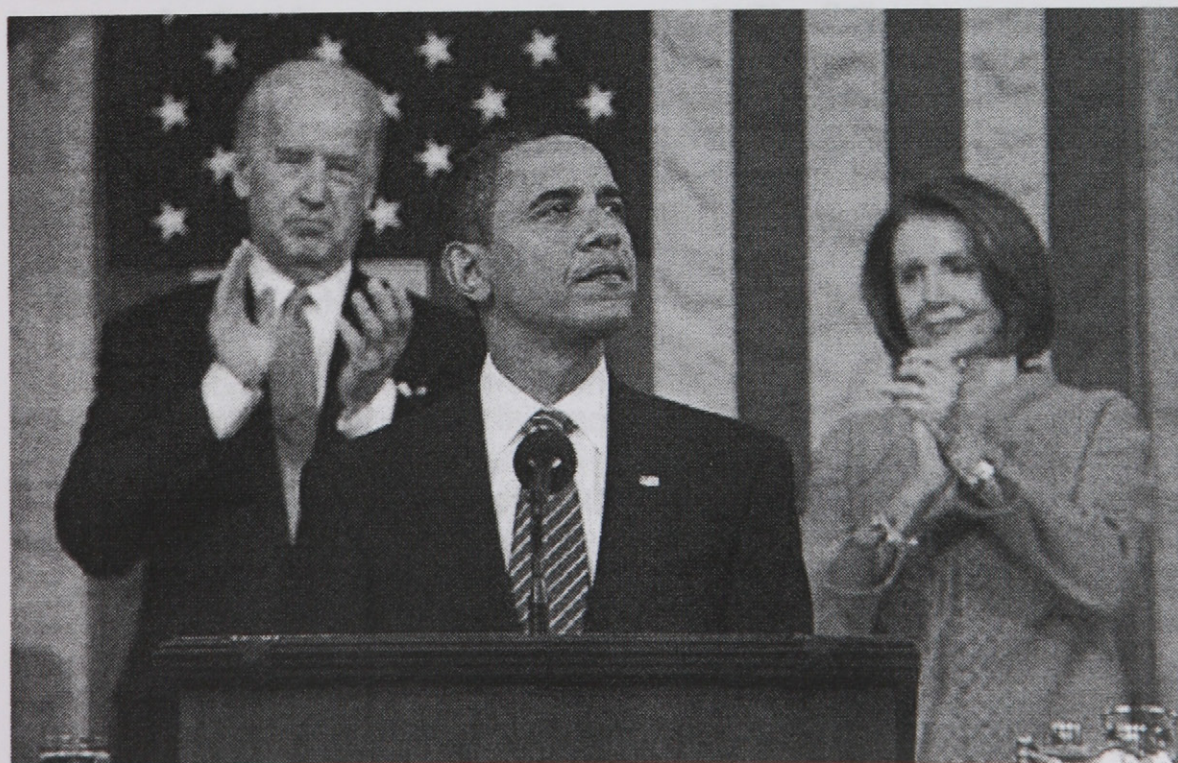
11) WHY DO THE REPUBLICANS NEVER STAND UP? I don't care what the politics are or how realistic some of these goals seem, but they are on their face noble. Hooray for our two-party system.

12) Sometimes I cannot stand the bipartisanship.

13) "I do not accept second place for the United States of America." EVERYONE clapped. Thank God we all can agree on being the best.

14) I want to be a Supreme Court justice because they never have to stand up and clap.

15) "Overwhelming scientific evidence on climate energy." HiLARious, and I appreciated that even for those



QUID NOVI

who "disagree," "the nation that leads the clean economy leads the global economy and America must be that nation."

16) America is going to double exports in five years and earn 2,000,000 jobs. I hope they start exporting my favourite brand of pasta sauce. I miss it

17) "A world-class education." I'm grateful I'm getting one, though mindful that I had to leave my country in part so I could afford one. But debt-forgiveness! YAY! I don't want to go broke because I went to college, thanks. No more than 10% of my salary, eh? Yay. I could give him a hug. I hope he does it.

18) "Let me know..." ...if you have a better solution for health care reform. I was so delighted to see everyone stand up, but confused then to why nothing has happened.

19) In 2011, we are prepared to freeze government spending for three years. Spending relating to national security (so most of it), health care, and social security only...but what about education? No more tax cuts for oil companies, funds managers, and those making over 250K.

20) We need a bipartisan fiscal commission that is not a Washington gimmick that lets us pretend we solved the problem. He will issue an Executive Order if need be. Joe Biden stood up first this time.

21) "That's how budgeting works. We do it when we're stronger." I totally want to adopt this policy. Common sense: a novel concept.

22) Oh. Now we know how he feels about corporate personhood. We know

how Alito feels, too... Let the media frenzy begin. "FOR SHAME SUPREME COURT!" appears to be the attitude.

23) False choice between protecting our people and upholding our values. I like this.

24) My favourite angle was that from the ceiling. I found this incredibly cool.

25) Repeal "Don't Ask, Don't Tell." The military officers did not seem too impressed.

And on one side note, I'm glad I didn't subscribe to Huffington Post's State of the Union drinking game or I would have been drunk within 5 minutes, thank you Nancy Pelosi.

CONTINUED FROM PAGE 2...

intramurals, and other events organized by the faculty's community, from objective points of view; however, this is not the Quid's mandate. Certainly, we'd welcome anyone who wants to take on any of these roles.

All that said, the Quid Novi still remains a good source of information on what is going on within the faculty, though articles should sometimes be taken with a grain of salt.

Articles last year on Israel-Palestine illustrate this point. We have no resident scholar on the Quid staff specializing in Mid-East studies to whom we could send every article for verification. Some of these articles characterized certain things as 'facts' only to have another article debunk or question said 'fact' the next week. If the Quid intervened at every step and took the time to verify everything written, it would be very difficult to maintain our ability to turn around a publication each week given our tight publication schedule and limited staff expertise.

For example, the piece on Haiti in last week's Quid includes references to over 15 dates. While we could Google each one or check Wikipedia (not always the best source) there isn't always time to

check everything as thoroughly as we'd like. Recall that items sent on a Thursday evening must be ready in time for Monday printing and Tuesday distribution.

Often what needs verification cannot be easily checked. For example, an article mentioning something LSA-related cannot always be checked with a quick Google. Pieces submitted just before the Thursday evening deadline (when most things come to us) are reviewed on Friday for copy editing, and on Friday afternoon are returned to the Quid. Only then do the Editors-in-Chief have a chance to review, and any questions regarding information would have to be answered by Saturday. It's not realistic to expect a 24 hour turn-around over a weekend when people may be away or busy with other things.

And, sometimes, what is 'fact' really depends on who is asked. Information is not always consistent and can be expressed or interpreted in different ways.

Ultimately, we face a trade-off. Either we delay publication of a student's article to check everything (not something we want to do when many articles are time-sensitive) or we have to trust student submissions when in doubt. Given that we're all law students who seem to

care a great deal about reputations and putting our names to things, it's perhaps a safe bet that someone won't put their name to a list of lies and libel. Of course for anonymous articles the stakes are raised.

Certainly, we want humour and satire that are fun to read, but we do want the serious things as well. With serious submissions come questions of facts, and, when involving things at the faculty, questions of reputation may arise, even unintentionally.

Given Actus Reus' recent performance, it is only appropriate to close with Shakespeare, who, in the Merchant of Venice writes: "Truth will come to light, murder cannot be hid long, a man's son may, but in the end truth will out". In other words (and for our purposes) with enough debate and dialogue, the truth will come out, whatever the truth might be – it can only stay hidden for so long.

As always, we encourage your submissions and responses to articles in the Quid, even if it's a one-liner to correct something that was incorrect. If speech is best countered with speech, grab your writing implement of choice and shed light on that which you think might benefit us all.

Taking a step back...

by Charlie Feldman (LAW II)
Second Year Class Co-President

This article is intended to be a follow-up to the piece I co-authored in last week's Quid. Reaction to that article is like nothing I've received from anything I've done in the Quid, and through discussions with many classmates and members of the LSA Council and Executive, I feel it important to clarify, correct, and in a few instances elaborate upon what was said.

First things first, the LSA Council is the body on which I sit. It is comprised of the LSA Executive (all the VPs and the President) as well as Class Presidents, Faculty Council, and the oft-forgotten Law Senator. There is also a space for a graduate student liaison that has been perennially empty, and I encourage any interested graduate student to let anyone on the Council know of an interest to serve in this capacity.

I start with this because I was surprised at the number of students who made a comment to me along the lines of 'Aren't you a part of that?' The distinction between the LSA Council and LSA Executive may seem trivial to an outsider but the two bodies are extremely different. I raise this here because several students questioned why I would attack a body on which I serve, while others accused me of grandstanding in the article and sowing the seeds of a bid for the LSA Presidency. Without any hesitation or reservation, I can assure every student that I have no intention of running for any position on the LSA Executive.

The reason for this is simple: it's a lot of work for which students receive neither compensation nor academic credit. It is important to bear in mind that those who do serve on the Executive are volunteers who devote countless hours each week to their portfolios in addition to their courses, extra-curricular activities, and, in some cases, outside jobs and family. It would have been nice to remind everyone of this in the last arti-

cle, and for good measure, to let you know that they are all good people who work in good faith. I realize this was not the impression some readers were left with from the last article, so I think it's important to spell this out.

While I don't think any or all of the above provide a blanket shield from criticism, it is all worth remembering. I should also note (as it is often forgotten) that everyone on the Executive is a student who is doing this job for the first time, and who inherits a portfolio in whatever condition it may be. Whether something should be done in this regard (e.g. having longer terms, smaller portfolios, more oversight) is a completely separate question I won't explore here.

I submit that the overall tone could have been much friendlier. It was written in a heated moment and this was reflected in the piece. It is unfortunate that the tone seems to have overtaken the substance for some readers, as it distracts from the substantive issues raised therein and colours the ensuing debate. Other than a potentially incorrect figure for the Welcome Ball (more on this later) I do not believe there are any factual inaccuracies in the article; however, I will address some specific points that need clarification at the end of this article. I will also include some explicit constructive advice, something the previous article was missing. I agree it's not helpful simply to point out what's wrong without offering any suggestions.

Lastly, some took offense that there was little mention of the good things that the LSA Executive does. Each LSA Executive member has done something (more accurately many, many things) to advance his or her portfolio. This would have been good to highlight lest one walk away with a wholly negative impression of the work done by the LSA Executive, as it seems some readers

did.

While there was a separate debate with some students over whether there is an obligation to present the good with the bad (and this could be an entire article unto itself), I'm going to skip this debate and let you ponder it, just noting for the moment that the Quid is not a news source in that there is no news department and everything submitted is an opinion piece. While I stand behind the opinions expressed in the article, I must correct what appears to be factual inaccuracy.

A Numbers Game

The article last week contains what may be a misleading comparison regarding the Welcome Ball. The criticism this has received is very interesting to me because it centered on the number provided for this year's Welcome Ball, a number which was correct, or, as one person put it rather amusingly, 'it may not be the *right* number, but it is a *correct* number'.

I'm not sure whether this counts as a factual inaccuracy (as some insist) or not because the sentence as written ("[T]he Welcome Ball this year is listed as an expense totaling \$20,000.") is correct. The Ball this year – per the budget posted outside the LSA office (which I was castigated for not checking, but I assure you this is what it says) – cost \$20,000.

The confusion arises over the total cost vs the amount paid by the LSA. In other words, we may know the ball costs x, but how much does the LSA pay that is not covered by sponsorships, orientation fees, and tickets sold?

The subsequent sentence ("This staggering amount is puzzling given statements from past LSA Executive members that the Ball cost around \$8,500") is also correct in that there is a member of the past LSA Exec who

provided me that figure, who still believes it to be the correct number, and this was corroborated by another past member of the Exec.

Lest anyone be confused: outside of 'Droit à l'image', I don't sit around dreaming of things to make up and put in the Quid.

With regards to this year's number, I asked a member of the present Executive (admittedly not the VP-Finance or VP-Internal, responsible for the budget and orientation respectively) if this was how much we spent, and asking if we got sponsorships to cover it. The information from this person, combined with the answers I people involved with the Orientation Committee (who I assumed would know these things) lead me to believe \$20,000 was spent, very little of it being covered through sponsorships or otherwise. While \$20,000 is the correct cost, the amount covered by sponsorships, ticket sales, and orientation fees is what I was after, and I don't yet have specific numbers to advance.

With regards to last year's number, the \$8,500 figure is maintained by one former Exec, while another spoken to after the article's publication puts the total cost closer to \$17k but is sure the whole was covered by sponsorships. To me, it is not worth it at this point to determine who is right, suffice it to say I had good reason to believe in the number I was provided, and it may yet be correct, though it seems the \$8,500 might have been how much the LSA paid (i.e. the difference being covered by sponsorships, tickets, and orientation fees), and as a result, the comparison between \$20,000 and \$8,500 is misleading.

My understanding had been (open to correction!) that the ball cost less last year and the overall expense was absorbed entirely by orientation fees and sponsorships; whereas this year the ball was more costly and less of the cost was offset. Obviously, with a number like \$20 000 being in the budget I was very curious how it all broke down. I regret that the comparison may be misleading, as my goal was to determine how much the LSA had to pay, not how much the whole thing cost.

Because it seemed to some I was criticizing the ball, I do want to note here that the ball was a success and I think everyone had a good time – my concern isn't the quality of the ball, my concern was that initial indications made it seem as though an exorbitant amount of money was spent by the LSA when it had not traditionally.

I wholeheartedly apologize if my questions to anybody at any time were unclear, as I would love to have accurate information in the Quid. On a related note, I am surprised that not all Executive members have easy access to the budget, per their own admission. This should be remedied to the extent possible.

If all Executive members had the same access to the same information, or if the information included in the posted budget had a breakdown, all of this confusion over this year's figure could have been avoided. Further, a budget with breakdown should be given to all Council members. With regard to last year, I don't really have anything to offer, but I do thank all of you who have provided me information.

Where an apology is owed...

It is crucial that I apologize to the VP-Finance, who was completely blind-sided by last week's article. He was under the impression that I had asked for the receipt for the ball, rather than just the breakdown, and therefore was correct to tell me he had to check with the President (while the numbers are all supposed to be accessible to students, receipts are internal documents). Further, and for the sake of clarity, it is not the VP-Finance's job to question whether something is a good or worthy expense – he has nothing to do with the cost of the ball.

What also needs to be clarified was that the clubs that approached me with money issues weren't always dealing with the VP-Finance. With regards to funding it's the VP-Clubs and Services, and with regards to check issues it is in some cases the President. The wording of the paragraph that made reference to the VP-Finance made it seem like

blame was to be placed there for all of these things – that is not the case. For this I am truly sorry.

It's unfortunate that it seems some people complained to me without going through the VP that has carriage of their issue, or told me they had when they hadn't. In at least one case, the person was explicit they were talking to the VP-Finance, but meant the VP-Clubs and Services.

Certainly, I should have been more diligent in checking with the respective VPs, but I felt it was a safe assumption that if multiple and unconnected individuals experienced the same problems that it was common experience and one known to the appropriate people.

There are legitimate issues surrounding clubs and money, and the largest issue seems to be on the path to resolution, though I believe it will be discussed at the next Council meeting. Many students are aware of this issue, but before putting the details in print I will allow the Executive to act, which I assume it will, and I do hope it communicates what it does to students.

What needs improving...

The first thing the Executive can do is improve communication with the student body and with Council.

My article of last week began by lamenting the lack of a bogenda. Certainly I could have been clear that I meant the bottin (as the agenda was out already), and I have come to understand that the VP-Clubs and Services is going to write in this edition of the Quid with an update (I write this with no knowledge of that article's content or status).

While I assume I'll be happy with that article and students being informed of the bottin's status, I think we can all agree that this communication should have come sooner. Even through the situation (as I understand) is that the delay is now with the graphics designers and not the Executive, communicating this to students would be helpful so that A) people would be kept abreast of the situation, given that the last update was in October and stated that the

bottin would be online and 'soon' and B) so that when asked about it, I could point to something concrete from the Executive and say 'see it for yourself' instead of 'here's what I heard...'

I believe that even if the communication was not good news (i.e. there will be a delay) students would have been appreciative of an update and understanding of the situation. Keeping everyone in the loop is something the Executive could do better.

Another example of this is as regards the website. The article of last week laments "money spent on website development, and yet the website hasn't changed". Website work has been done on the back end (hence to the naked eye there was no change), and while in the past that was not clearly communicated by the Executive, we are getting some money back because the service as requested was not rendered completely. Had Council been kept in the loop, confusion would not have arisen.

Similarly, and this goes back to a point made earlier, not every Exec member was in the loop as to the website update, and Council was not kept up to speed. Making sure everyone is on the same page and has the same info is something the Executive could improve upon.

The topic on which I'd like to close is the LSA Council. The work of the LSA Council is largely unknown to students, unless you've stopped by to make a request or presentation. There are minutes on the website of our meetings, but unless you know where to look you may have no idea what's being done. This week we met from approximately 7:50-11pm on Tuesday and talked through many issues, deciding to form a new committee to evaluate our relationship with SSMU, giving direction as to a new beer contract, as well as receiving reports from the Executive.

I love LSA Council. It is my favourite part of being a Class President. The reason why I have reference questions before the J-Board is because I was very upset about the slow start of Council last semester. I strongly encourage anyone with any thoughts on the matter to

make a submission to the Board before the 5th of February.

Rather than hash out (in what is already a long article) a discussion of Council and my issues with its operation, I would like to provide a list of things that could improve it. Of course, at the risk of again coming off one-sided, I applaud the VP-Administration's efforts to make all our Council items online and providing us with a great new workspace. I also applaud our speaker, the wonderful Vincent Ranger.

Okay, so, here's what should be done (in my opinion) to improve Council:

*Executive reports should be typed, online, and ready at least the eve of the meeting if not before. I know there are last-minute things to add, but there is nothing preventing a draft or a tentative report from being available a day or two in advance so we can prepare questions.

*Oral presentations of executive reports should be capped. I strongly urge the Executive to bring forward this motion (as opposed to it continually being a motion from other Council members that is always defeated – the Exec seems to diverge on this issue more than the rest of Council) – agree on a time limit for yourselves and maybe a clause that allows an Exec to ask for an extension if there is a hot topic (which should really be handled in 'other business, in my view), but there is no reason for a 30 minute executive report presentation for what could and ought to have been typed and read by all Council members prior to the meeting.

*Proposed constitutional changes (like the green by-laws) should first be sent to students for comments and input. If my job as Class President is to represent the opinion of my class, I can't do this if they are unaware of the proposals. They may also have insight that we as councilors do not have. I realize the Green issue is now proceeding a different way, but as a blanket rule this should be the case.

*If something requires a lot of reading, it should be given to us in advance. With regards to the CADED manifesto

which was passed at our first Council meeting, the text of that rather lengthy document was provided the night before and nobody (outside the Exec) was prepared to debate it. While this has not been repeated, I am putting here because I do believe we shouldn't decide on anything that needs a thorough reading if there hasn't been time. This includes substantive motions, which should not be added the afternoon of our evening meeting, as occurred Tuesday.

*Motions that are under consideration should be edited on screen so we all know about the wording that we are adopting and don't have any 'what did we just agree to' moments.

*In all communications, the LSA Executive should be indicated as such, and the LSA Council should be indicated as such, ending use of the generic LSA to refer to either one or both of these. I know the motion I had on this was defeated at the first meeting, but I think it is important we clarify who is doing what.

*A fixed meeting time should be set for the year. I realize this may seem controversial, but knowing 'if I do this I have to be available Tuesdays at 7' would remove all the debate over meeting times. A fair portion of our last meeting was spent debating when to meet next, and there is still some confusion it seems over our next meeting time... while I'm happy a solution is in place for this semester, it should not be a new debate every year.

*The Council should prepare a report to students so that they are aware of what is being done over the course of the year. Everyone would benefit from knowing what we do, and it may even encourage people to become more involved.

I am committed to working with my fellow Council members and the LSA Executive on behalf of all students for the rest of the year, and I very much hope that the contents of last week's article don't render this impossible or more difficult – certainly, that was never the intention.

(Cet article est tout en anglais, car un membre du Conseil a suscité des inquiétudes quant au fait que le seul paragraphe en français dans l'article précédent était celui qui était favorable sur les actions de l'exécutif de l'AED. Bien que je n'aime pas faire les choses unilingues, je ne veux pas qu'il y ait de confusion ou l'interrogation du mobile).

**Natai Shelsen (3rd Year Class Co-President) agrees with the views expressed herein.*

Specific corrections to the previous article

Certainly, if law school has taught us anything, it's that two people can read the same text and come up with very different interpretations. The following items were signaled to me as being unclear or misleading and I'd like to rectify that now.

A reference to fees "dispersed" for the bogenda should have been fees "disbursed". There was no intent to imply 'scattering'; rather, 'spending'.

A reference to "montants recus inadequate" regarding checks was not to imply the amount of the check received differed from that which the club was told it would be receiving, but rather that some clubs report the funding they received is not adequate to cover their costs.

A reference in the section on the J-Board where it was written "Apathy is contagious" was read by some to imply the Executive was apathetic. It should have been more clear that, to the authors, it seems the Executive is apathetic with regards to the issues before the J-Board, and this apathy, regrettably, seems to be shared by students. The statement was not directed at the

work of the LSA Exec in general.

The article indicated the Executive was absent from the second J-Board hearing; it should have more properly indicated that the Executive did not attend the J-Board's information session.

Lastly, and for the sake of disclosure, it was signaled to me that I should have indicated my involvement with the Quid in my article (though, I'm not sure how that changes anything) and that the reference re Council debating the JD-LLB motion for two hours neglected to mention that I introduced the motion. While I'm not sure what that changes, the motion to form a JD/LLB committee stood in my name, having been withdrawn at a prior meeting due to concerns about wording and was subsequently rescinded after amendment rendered the motion ineffective. It will be debated again soon.

Réponse à l'article de Charlie Feldman et Natai Shelsen

par Amine Kettani (LAW II) - VP-Finance, AED

L'AED a déraillé! C'est du moins ce qui ressortait de l'article publié en première page la semaine dernière par Charlie Feldman, membre actif du Quid et président des étudiants de deuxième année, et Natai Shelsen, présidente des troisièmes années. L'exécutif de l'association étudiante se voyait reprocher son laxisme, son manque de transparence, son gaspillage, sa lenteur et son insouciance devant les intérêts des étudiants.

Après la lecture de l'article, je partageais le malaise de nombreux étudiants, mais pour des raisons différentes. Le ton me semblait accusateur et les critiques sans fondement. C'est pourquoi je voudrais ainsi apporter quelques clarifications.

D'abord, les auteurs reprochent à l'exécutif de l'AED son gaspillage pour le bal de bienvenue organisé en septembre dernier. En particulier, ils comparent les

8 500 dollars (montant non vérifié) dépensés par le précédent exécutif avec les 20 000 dollars dépensés cette année. Mais les auteurs ont confondus les chiffres : Les 8 500 dollars désignent le montant déboursé par le LSA pour l'événement.

Ce montant est calculé en soustrayant du montant brut, 18 000 dollars, la vente de tickets et les commandites. Quant aux 20 000 dollars dépensés en 2009, il s'agit d'un montant brut, excluant les commandites et la vente de tickets. Aussi, les deux événements ne sont pas comparables, le second regroupant un nombre plus important d'étudiants et proposant un véritable souper et un open bar.

Ensuite, dans l'article, un des auteurs me cite concernant des informations relatives au Welcome Ball : 'I have to ask Alex if I can give you that information'. Cette phrase erronée est mise en

dehors de son contexte. L'auteur me questionna sur le montant dépensé pour le bal, à quoi je lui répondis entre 18 000 et 20 000 dollar mais que je préfèrerais vérifier cette information sur la facture. C'est alors qu'il me demanda de la lui envoyer, à quoi je répondis : 'Je dois vérifier avec Alex si je peux t'envoyer ce document par courriel'. Les documents internes de toute entité ne peuvent être transmis par courriel par souci de confidentialité. Ils peuvent néanmoins être consultés dans le bureau par tout étudiant intéressé. Les chiffres dont parle l'auteur étaient d'ailleurs inclus dans le budget, dont une copie est disponible devant le bureau de l'AED.

Les auteurs évoquent également les plaintes de représentants de clubs qui reprochent le traitement des demandes trop lent et des montants reçus inadéquats. J'ai été étonné par ce fait, n'ayant reçu ni moi, ni aucun autre VP,

une plainte à ce sujet.

En avril 2009, lorsque je déposais ma candidature pour être VP Finance de l'AED, je tenais avant tout à servir la communauté étudiante en partageant mes modestes connaissances en gestion et en comptabilité. J'ai consacré de nombreuses heures durant l'été et le semestre d'automne à comprendre, or-

ganiser, négocier, planifier et servir les étudiants de la faculté de droit de McGill. Je ne voulais pas faire de politique, encore moins être le sujet de débats stériles.

Enfin, j'ai toujours été extrêmement ouvert à la critique et aux feedbacks, qu'ils soient positifs ou négatifs. Ce sont des éléments essentiels à l'amélioration de

toute personne ou de tout groupe car ils permettent de constater des problèmes qui nous sont invisibles. Mais la critique doit être fondée et s'appuyer sur des faits réels et vérifiés. Elle sera sinon dénuée de toute crédibilité.

L'AED est sur les rails, merci de nous aider à la pousser!

Une question de méthode

par **François Le Moine (LAW II) (Member of Faculty Council)**
Michael Shortt (LAW I) (Co-Président de première année)

Il nous est apparu que l'article « Getting the LSA Back on Track » de la semaine dernière, tout en faisant état d'un certain nombre de problèmes bien réels, ne rend pas justice à l'énorme travail qu'effectue les membres du LSA pour cette faculté. We are both members of the LSA Council (but not the LSA executive!) and we were not the authors of the article. N'étant donc pas partie à la querelle, nous avons pensé utile de publier ces quelques observations.

The bogenda raises legitimate concerns of accountability. The bogenda is customarily provided to students in October. That deadline was not met this year. While Council received repeated assurances that the bogenda would arrive shortly, beginning in November 2009, there is no delivery date in sight. The reasons behind these delays are likewise unclear. To be fair, the VP Clubs missed our last meeting due to illness and may be able to provide clarification in the coming days.

With respect to the LSA website, clarity (and hence accountability) was lacking until very recently. Council knew that \$1,500 was spent, but that the LSA website remained the same. The story behind the website expenses came to light only at our last meeting. It appears that due to a miscommunication about our IT needs, the LSA received a sophisticated but unusable website. Roughly half of this money will be recovered, although the exact totals remain uncertain. On a more positive note, the \$1,500 existed in the first place because LSA execs volunteered

their time this summer, replacing the paid office assistant position.

Lastly, questions of leadership were raised about the lack of executive participation in J-board meetings. No executives attended the first J-board meeting, due (for some execs) to a simultaneous Faculty Council meeting. However, when the executives were questioned about the lack of attendance at the first hearing, many focused on justifying their absences, rather than apologizing for them. "Sorry but" does not capture the spirit of accountability in the same way that a simple "sorry" does. Additionally, in November the executive promised to provide the J-Board with a written submission. That submission has still not been provided to the J-Board, although LSA President has assured me it will be delivered shortly.

Ceci étant dit, il n'est pas acceptable d'insinuer à partir de ces trois exemples que l'ensemble du LSA est « on the wrong track ». Il y a une différence entre rouler un peu trop lentement sur la bonne route et prendre la mauvaise direction. Ce sont trois questions importantes mais elles restent somme toute périphériques au travail de l'association. Le LSA a des dizaines de dossiers à gérer et ses membres, qui sont par ailleurs très occupés avec leurs études, doivent inévitablement privilégier certains dossiers sur d'autres. Les inévitables retards administratifs ne sont pas raison suffisante pour remettre en cause la politique générale d'un conseil qui travaille très fort pour améliorer à court et à long terme la vie étudiante

de la faculté.

On peut effectivement se plaindre qu'il n'y a pas eu suffisamment de réunions le semestre dernier. Mais ce qui est fait est fait. De deux choses l'une ; on bien on entrave le fonctionnement du conseil pour le semestre d'hiver avec des attaques personnelles et des querelles inutiles, ou alors on se met sérieusement au travail. Car nous avons du pain sur la planche. En plus des affaires courantes, le conseil a pour projets d'amender la constitution du LSA ; de mieux organiser le passage des pouvoirs au nouvel exécutif 2010-2011 ; de renégocier notre relation avec le SSMU en panne depuis fort longtemps (si vous voulez avoir un exemple d'un conseil étudiant qui ne fonctionne pas, il est préférable d'aller au Shatner Building) ; de lancer une consultation sur la qualité de la vie étudiante dans la faculté, sur le manque de cours en français et sur les méthodes d'évaluation dans la faculté ; de mettre en place les « Green by-laws » ; d'organiser le premier Carnaval de la faculté et d'aider à la réforme du curriculum de seconde année.

A personal conflict in a small community like ours could be extremely detrimental to the work that remains to be accomplished this year. Fortunately, it was agreed at Council that the article was not written in bad faith or with malicious intent. Likewise, we would like to emphasize that the LSA does not suffer from constant executive-council conflicts. Recent fundraising for Haiti is a perfect example of how quickly the LSA and the class presidents can come together. Il est à souhaiter que cet esprit

Quid Novi

de camaraderie revienne rapidement au conseil.

Il est évident que nous devons garder un droit de regard sur le travail de nos représentants et nous encourageons tous les étudiants à venir nous rencon-

trer s'ils ont des questions ou des problèmes à nous soumettre.

Mais nous espérons sincèrement les critiques soient désormais formulées sur un ton approprié, après que les faits aient été vérifiés, et de manière à ne

pas désinformer les étudiants sur le travail accompli par leur association étudiante en laquelle nous gardons notre entière confiance.

Bottin / Student Directory

par Martin Rioux (LAW III) VP-Clubs and Services

Bottin

Je tiens d'abord à remercier Charlie Feldman et Natai Shelsen pour leur article « Getting the LSA back on Track » publié dans le Quid de la semaine dernière. Je me réjouis de constater que le Conseil de l'AÉD possède des présidents de classe qui pose des questions pertinentes pour le corps étudiant.

L'une de ses questions était très simple : où est le bogenda?

Cette année, L'AÉD a décidé de remplacer le bogenda par un agenda et un bottin. L'agenda a été distribué à la rentrée. Le bottin sera publié sous peu.

Le bottin sera en format électronique. Il fallait donc refaire

au complet le design graphique du bottin. Les photos et informations des 1^{ère}, 2^e, 3^e et 4^e année ont dus être récupérées et réorganisées. Le tout a exigé un travail considérable et explique le retard inhabituel.

Une fois la transition du papier à l'électronique complétée, seules les photos et informations des nouveaux étudiants devront être ajoutées dans les années à venir. Un bottin numérique signifie aussi que l'agenda pourra être distribué dès la rentrée, sera moins couteux à imprimé et gaspillera moins de papier.

Finalement, le bottin en ligne sera sécurisé et disponible en format pdf.

Student Directory

I would first like to thank Charlie Feldman and Natai Shelsen for writing an article in last week's Quid, « Getting the LSA back on Track ». I am pleased to see the LSA Council has Class presidents who ask relevant questions for the student body.

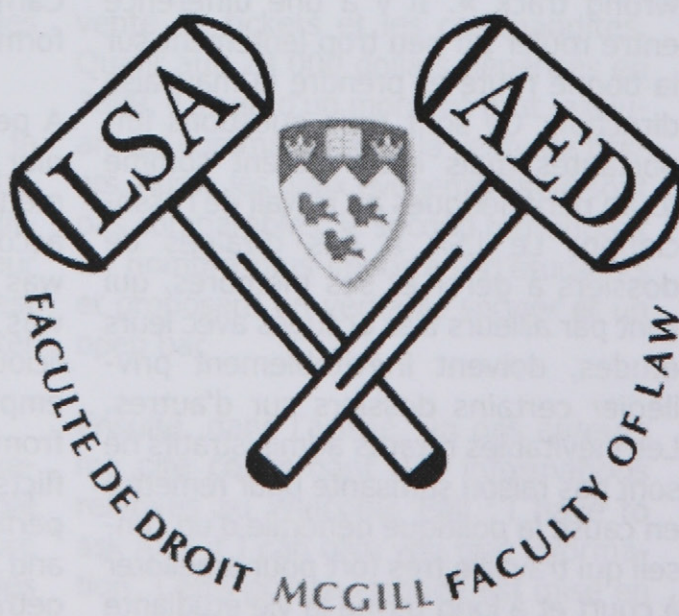
One of them was very simple: Where is the bogenda?

This year, the LSA has decided to replace the bogenda by an agenda and a student directory. The agenda was handed out in the first weeks of class. The student directory will be published shortly.

The student directory will be in e-format. As such, the design had to be completely redone. The original pictures and data of 1st, 2nd, 3^d and 4th year had to be retrieved and reorganized. This required a considerable amount of work and accounts for the unusual delay.

The transition from paper to e-format having been made, only first year pictures and data will have to be added in upcoming years. A digital student directory also means the agenda can be handed out in the first weeks of school, will incur lower costs in printing and will waste less paper.

Finally, the online student directory will be secured and made available in pdf.



What Are You Having for Dinner Tonight?

by Melanie Benard (LAW I)

How about setting some aside to feed the hungry homeless?

Great idea! But how can *your* food reach *their* bellies?

It's simple:

The LPPP has currently got four donation DROP-BOXES set up around the faculty. Look for them in the ATRIUM, LIBRARY, LSA office and SAO. Come drop off your surplus cans of tomatoes and bags of pasta. We know they're lurking in your cupboard somewhere, so fetch them out, bring them down and toss them in our drop-boxes. We'll gladly grab your extra grub. Your donations will go a long way in feeding the homeless at the Old Brewery Mission this winter.

But hurry! The Fare and Underwear Donation Drive ends February 12th. Don't miss your chance to get rid of your extra canned carrots and lima beans! Drop them off now. Your conscience (and your cupboard) will thank you!

FARE AND UNDERWEAR DONATION DRIVE
(February 1-12)

Benefiting:

Show That You Care with Underwear!

by Melanie Benard (LAW I)

That's right: Here's your chance to help the homeless live in warmth and dignity this winter. From now until February 12th, the LPPP will be collecting socks and underwear for the clients of the Old Brewery Mission. Look for our drop boxes in the ATRIUM, LIBRARY, LSA office and SAO.


Instead of getting your knickers in a knot over that dreaded next assignment, why not put those bloomers to good use? We know you've been trying to hide those ugly undies Aunt Helga gave you for x-mas again this year. Drop off those unmentionables while no one's looking. We promise not to tell your aunties what you did with those panties.

Got some unused drawers in your drawers? Donate them now. Are you risking humiliation by wearing those white socks to your next interview? We'll save you by taking them off your hands! When you're shopping for skivvies over the next few weeks, pick up an extra pair and toss' them in our donation boxes. Nothing says "I care" like a fresh pair of underwear.

Who likes short shorts? We do! So drop some socks and boxers in our boxes any time until Feb.12.

FARE AND UNDERWEAR DONATION DRIVE
(February 1-12)

Benefiting:

 **MISSION OLD BREWERY**
THE OLD BREWERY MISSION

(Organized by the Local Poverty Prevention Portfolio (LPPP)
- Human Rights Working Group)

For more information on this event or on the LPPP, please contact Melanie Benard (melanie.benard@mail.mcgill.ca).

Le Bien, le Droit, la Moralité

par Marc James (LAW I)

Cet essai a pris naissance sous le poids des textes que nous (les étudiants de première année) lisons actuellement dans le cours de Fondements. Effectivement, à raison de deux séances par semaine, nous nous faisons présentement informer sur – et par ? – le débat entre les positivistes juridiques et les théoriciens du droit naturel.

Ce qui a commencé par un passage obligé au travers du débat Hart-Fuller nous a menés à la rencontre d'Austin, de Bentham, de Dworkin, ainsi qu'à la lecture de l'affrontement entre Wacks et Dugard eu égard à la fonction du juge en Afrique du Sud. Ceux d'entre nous qui ont voulu pousser leurs recherches plus loin ont pu lire *The Concept of Law* et *The Morality of Law*, question de comprendre, entre autres, ce que signifie un « débat de sourds » et où se situe – avec brio – McGill sur l'axe séduisant allant d'Oxford à Harvard.

Ce qui m'a le plus marqué dans le débat entre jusnaturalistes et positivistes n'a cependant pas été le rapport (ou non-rapport) entre Droit et Moralité. Plutôt, ce qui a retenu mon attention est l'interprétation qu'à chaque école de la signification de la morale.

À mon sens, la (non-)définition jusnaturaliste de la morale est la source d'une faiblesse argumentative difficilement surmontable. Ne pouvant référer à Dieu (depuis longtemps disqualifié dans la pensée occidentale) ou à un quelconque critère transcendantal (l'ombre de Dieu, défait – dit-on – avec lui), l'école jusnaturaliste se voit

à court d'arguments pour justifier son appel à une moralité externe au droit¹. C'est, je crois, le problème auquel fait face Wacks dans « Judges and Injustice » (1984). Dans cet essai, il apparaît que la *community morality* de l'Afrique du Sud est elle-même immorale. Que peut faire la pensée jusnaturaliste devant le paradoxe d'une moralité immorale, sinon en appeler à la conscience ? Il me semble que c'est effectivement ce que fait Wacks dans un texte où la (bonne) morale n'est jamais proprement définie, mais apparaît cependant, encore et encore, comme étant ce que « *the judge finds morally acceptable* » ; l'immoralité étant ce dont la « *deviation from justice is too great for [the judge]* »².

Mais qu'est-ce qui est *morally acceptable* ? Qu'est-ce qui est *just* ?

L'argument de Fuller, de son propre aveu, souffre de la même difficulté. Dans « Positivism and Fidelity to the Law – A Reply to Professor Hart », il écrira effectivement :

"I, for one, refuse to accept [the assumption that evil aims may have as much coherence and inner logic as good ones]. I realize that I am here raising, or perhaps dodging, question that lead into the most difficult problems of the epistemology of ethics. (...) I shall have to rest on the assertion of a belief that may seem naïve, namely, that coherence and goodness have more affinity than coherence and evil. Accepting this belief, ..."³

Mais est-on en droit de continuer sans avoir d'abord construit un solide fondement éthique pour la structure

morale que l'on défend ?

Plus loin au cours du même texte, confronté à la nécessité d'un critère moral, Fuller ne peut justifier sa position qu'en référant précisément à un « *higher law*⁴ ».

En revanche, l'intérêt de la position positiviste, à mon sens, se situe dans la distinction entre la Moralité et le Bien.

L'adéquation du Bien et de la Morale, prise pour acquis depuis Platon, le néo-platonisme, dans le Christianisme et, finalement, chez Kant, ne va pourtant absolument pas de soi. Aussi, sans explicitement (je crois, mais je peux très bien avoir tort) le dire, l'école positiviste semble avoir distingué ces deux notions l'une de l'autre.

Aussi, cette distinction remonte-t-elle au moins à la conquête de l'Angleterre par les Normands. Ceux-ci, étant en nombre excessivement limité par rapport à la population anglaise autochtone, ne purent, suivant la tradition continentale, imposer un gouvernement centralisé. Ainsi se développa, nous l'avons tous vu, nous le savons tous, la *common law* contemporaine : système de droit qui permettait aux coutumes locales de maintenir leur forme d'exercice traditionnelle.

Un système qui agit non pas à partir d'un corpus de règles substantives, mais procédurales.

C'est en ce sens, je crois, que la pensée positiviste a très tôt compris la distinction entre le Bien et la morale;

1 Lon Fuller, semblerait-il, a contourné ce problème en démontrant l'existence d'une moralité interne du droit. Si une telle approche permet de résoudre un grand nombre de problèmes, elle délaie cependant néanmoins, à mon humble avis, l'inévitable obstacle : celui de la découverte d'un nouveau critère pour notre nouvelle moralité.

2 Écoutons notre cœur pour savoir ce qu'est le bien... ô Rousseau.

3 Lon L. Fuller, « Positivism and Fidelity to Law – A Reply to Professor Hart », 1957, 71 *Harvard Law Review*, à la p. 636.

4 Ibid, à la page 637.

plusieurs morales pouvant coexister sur un même territoire sans qu'aucune n'acquière une prééminence sur les autres (prééminence déterminée par le titre de « Bien »). On a là potentiellement l'origine d'une pensée pluraliste en Occident⁵, sinon une sorte de tolérance calculée...

Mais une telle nécessité politique est-elle suffisante pour permettre une aussi ferme sédimentation de la distinction morale/bien dans la pensée anglo-saxonne ?

J'ai recherché une seconde source.

Possiblement inspiré par la natalité, j'ai passé le temps des fêtes à travailler sur un ouvrage qui traite de la vie et de la pensée de saint Paul⁶, et, conséquemment, de notre lecture de la Bible. Il est étonnant que cet ouvrage fondamental, structurant et éternellement contemporain – le dieu judéo-chrétien étant, à l'encontre de tous les autres dieux, celui qui se déclare comme l'origine jalouse, exclusive et éternelle de sa propre manifestation⁷ – soit si peu connu aujourd'hui.

Si peu connu... C'est-à-dire qu'on connaît tous le christianisme. Plus encore, nous *sommes* tous le christianisme : dans la mesure où l'on est entièrement habité, constitué, par l'environnement qui nous entoure⁸, nous sommes tous (ni plus ni moins) habités par le Christ. L'athéisme contemporain est, au mieux, un intéressant paradoxe, au pire, une bonne blague. Je n'essaie pas d'être lyrique.

Notre monde est le fruit de 2000 ans d'histoire chrétienne et plus encore d'histoire judéo-chrétienne. Si je dis que la Bible est peu connue, c'est qu'on refuse généralement de reconnaître son influence structurante sur nos modes d'être.

Aussi, à mon avis, tant qu'on n'entreprend pas une confrontation franche avec la Révélation, nous continuons de reproduire un mode de pensée dangereusement désuet... mais c'est un tout autre sujet.

En ce qui a trait à la sédimentation de la distinction droit/moralité, j'ai été très surpris de voir à quel point certains éléments de la pensée paulinienne (pensée de saint Paul) conviennent parfaitement à l'esprit de la *common law*. Aussi n'ai-je pas été étonné lorsque j'ai appris que la juxtaposition de la pensée de saint Paul à l'esprit de la *common law* s'était déjà produite, il y a de cela 600 ans, lorsque la réforme protestante a gagné l'Angleterre.

Luther est effectivement le penseur qui, à l'encontre de ceux qui l'ont précédé, rejette l'interprétation scolastique classique de la Bible (notamment saint Thomas d'Aquin, énorme influence sur Descartes, Kant et la pensée civiliste) pour rejoindre directement saint Paul : « J'avais été saisi d'une étonnante ardeur à connaître Paul dans l'épître aux Romains⁹ ». Plus loin dans ce même passage, à l'encontre d'Anselme et de saint Thomas qui interprètent la justice de Dieu comme *rectitudo de la raison*, Luther voit dans

la justice divine une justice *passive* suivant laquelle est justifié (rendu juste) celui qui vit dans la foi :

« Je commençai à comprendre que la justice de Dieu est celle par laquelle le juste vit du don de Dieu, à savoir de la foi, et que c'est par la justice passive par laquelle le Dieu de miséricorde nous justifie par la foi comme il est écrit : 'le juste vit de la foi'. (...) Autant était grande la haine dont j'avais auparavant haï ces mots de 'justice de Dieu', autant je me mis à exalter avec amour cette parole très douce. Ainsi, ce passage de Paul fut vraiment pour moi la porte du Paradis. »

L'épître aux Romains est, pour Luther, « la pièce maîtresse du Nouveau Testament et le plus pur de tous les évangiles¹⁰ ».

... En quoi est-ce que tout ça peut possiblement nous aider à mieux comprendre l'évolution du droit... ?

Il y a de cela trois semaines, mon essai portait sur l'origine du droit comme *commandement*. Mes recherches m'avaient mené à la question de l'adéquation de la vérité romaine et du droit, c'est dire, du *verum* et du *rectum*¹¹. Aussi, je concluais, vu la source commune du droit civil et de la *common law*, sur l'idée qu'« il n'est désormais pas étonnant que, de part et d'autre de la Manche, le Droit porte encore avec lui le sens d'un *commandement* ». Il semble cependant (et ce n'est d'ailleurs vraiment pas étonnant !) que la question soit plus complexe. Ici, j'apporte une modification. Une in-

5 Pour s'en convaincre, on peut comparer les effets de la colonisation française en Algérie aux effets de la colonisation anglaise en Inde, par exemple.

6 Né vers l'an 10 à Tarse (Cilicie, aujourd'hui Turquie), mort vers l'an 65 à Rome.

7 Exode, III, 14.

8 N'est-ce pas Nietzsche (s'aurait tout aussi bien pu être Marx) qui disait : « Nous éclatons de rire rien qu'à voir voisiner homme et monde, séparés par la sublime prétention du petit mot 'et' ».

9 « Préface au premier volume de l'édition complète des œuvres latines », Wittenberg, 1545, dans Luther, *Werke*, Kritische Gesamtausgabe, Bd. 54, p. 185-186. Je me fie à la traduction de Didier Franck dans *Nietzsche et l'ombre de Dieu*, PUF Quadrige, Paris, 1998, pp. 34-35.

10 Préface à l'épître de saint Paul (1522), dans *Werke*.

11 « Le *verum* est ce qui assure l'*imperium* contre la défaite (le *falsum*). La *veritas* romaine est donc ce qui maintient l'empire droit, upright : « *verum* est *rectum* ([du terme] *regere*, [c'est-à-dire] le « régime »), le Droit, *iustum* ». Est-ce qu'un tel transfert, partant de « ce qui est droit » pour déterminer « le Droit » est possible ?

Sans doute. Si *verum* peut être assimilé à *iustum*, c'est que le Droit s'inscrit dans la sphère du commandement puisque *ius* signifie la conformité à une règle et la condition nécessaire à l'accomplissement d'un office. Dans l'*imperium*, *iustum* et *verum* sont synonymiques du moment que les deux prennent le sens du barrage qui assure la défense. Le *verum* est cependant inoffensif, sans défense, purement conceptuel. Le *ius* est son arme.

Veritas est rectitudo, c'est-à-dire la « rectitude »; en Allemand : *Richtigkeit*. En Allemand toujours, le *Recht* est le convenable, *Rechtfertigung*, la justification, *rechtmäßig*, ce qui est légal, et bien sûr *Reich*, l'Empire. Tous proviennent de la même source, du *recht*, du *right*, du *droit*, c'est-à-dire de la vérité armée. On retrouve également cette racine dans le français « correct (co-rect) », signifiant encore l'adéquation à la règle. »

flexion plutôt.

La pensée luthérienne, à partir de la lecture de saint Paul et de l'affirmation d'une justice divine passive (d'une justification par la foi seule), atteste de la méconnaissance de la justice divine (en son sens actif) par les hommes.

L'homme ne comprend pas, et ne peut comprendre, la volonté de Dieu. C'est en ce sens que la justification, chez Luther, contrairement à la pensée catholique et civiliste, ne peut se faire par la Loi. « *En dehors de la loi*, la justice de Dieu s'est manifestée (...) justice de Dieu par la foi en Jésus Christ pour tous ceux qui ont foi, *car il n'y a pas de discrimination*. Tous en effet ont péché et sont privés de la gloire de Dieu, et ils sont justifiés gratuitement par sa grâce en vertu de la rédemption qui est dans le Christ Jésus¹² ». La foi et la loi sont mutuellement exclusives par la méconnaissance qu'à l'homme de Dieu (ou plutôt dans l'ignorance où repose l'homme quant à la connaissance du Bien qui, depuis Platon au moins, est Dieu).

Si la loi (en son sens romain, sens que Paul étend jusqu'à son adversaire personnel, le judaïsme) n'est jamais respectée ou accomplie, c'est précisément parce que la justification par la loi est impossible : « Je n'ai connu le péché que par la loi¹³ ».

Selon Luther, ne pouvant connaître Dieu, on ne peut comprendre ou prétendre connaître la loi. L'œuvre de l'homme sur terre ne peut être que dans la réception de la foi et non pas dans les vaines stipulations ayant trait

à l'essence du Bien... et encore moins les actes de ceux qui prétendent connaître ce qui est Bien. On a là, en ajout à la première distinction – fonctionnelle et nécessaire – datant de l'époque de la conquête des îles d'Angleterre (XI^e siècle), une seconde source plus tardive et, en ce sens, plus récente de la distinction positiviste entre droit et moralité. De plus, cette seconde source, la Réforme protestante, affecte tout un chacun de façon autrement plus serrée que la première puisqu'elle concerne l'homme dans sa relation à la Révélation (qui est son salut).

En droit :

Mis à part l'importance marquée de la législation en droit civil par opposition à sa valeur dans la *common law*, où peut-on voir agir cette distinction entre Bien(loi) / morale ?

On la voit, d'abord et avant tout, agir au niveau de la pensée. La *common law* semble privilégier l'étude des faits (l'étude empirique), l'analyse historique (la mise en contexte) et la conclusion (disons, à défaut de meilleur terme) « efficace ». Le droit est un outil que l'on peut utiliser pour mettre au clair, pour *réparer*, un certain problème. La pensée civiliste, en revanche, semble privilégier l'herméneutique¹⁴ dans son analyse des lois, la rationalité¹⁵ dans la détermination d'une solution et la conclusion (encore à défaut de meilleur terme) « bonne ». Le droit est un outil que l'on peut utiliser pour rendre justice, pour corriger, une certaine iniquité ou un préjudice.

Cette distinction agit également, subrepticement, dans la notion de faute en droit civil, directement héritée du droit romain, massivement influencée par le christianisme (maintenant catholicisme), et plutôt *frowned upon* en *common law*.

Plus intéressant cependant, on la voit directement dans la notion d'homme normal dont je traitais au début de la session précédente et qui concerne un *énorme* pan du droit. En droit civil, celui-ci (tel que défini par la jurisprudence découlant des articles 1457, 1459 à 1462 C.c.Q.) est, au minimum, défini comme « un être doué de raison » ce qui signifie qu'il possède « la faculté de discernement ». Celle-ci, comme nous l'apprend l'arrêt Ginn c. Sisson, [1969] C.S. 585, représente la faculté du distinguer entre le Bien et le Mal... idée absolument perdue sur l'esprit du *common lawyer*.

La *common law*, en revanche, telle que nous l'apprend l'arrêt McHale v Watson (1966) 115 CLR 199, préfère comprendre l'homme raisonnable sans référence à un critère transcendantal. Dans cette affaire, en effet, l'enfant est acquitté du moment qu'il *could not foresee the consequences of his action*.

Nulle référence au Bien, au mal. Référence à un principe (nous dirons aujourd'hui laïc...) économique de calcul des conséquences¹⁶.

Merci encore.

12 Rom., III, 21-24.

13 Rom., VII, 7.

14 Le mot « herméneutique » nous vient du grec ἐρμηνευτική référant au nom du dieu Hermès. Celui-ci est le messager des dieux et l'interprète de leurs ordres. L'herméneutique a déjà, par sa naissance, une origine divine. Le terme est éventuellement repris par Aristote dans son *Peri Hermeneias*. Ce texte aura une influence remarquable sur Thomas d'Aquin (je le répète, influence énorme sur la pensée civiliste) qui référera à la théologie comme à une science herméneutique. L'ouvrage d'Aristote influencera également Jean Duns Scot et Guillaume d'Ockham.

15 Une sorte de « raison pure » plus aquinienne que kantienne, par opposition à la raison économique ou pragmatique anglo-saxonne.

16 L'Angleterre n'était-elle pas une puissance marchande ? Et on continuera de me dire que l'histoire reste dans les livres, mais n'affecte pas les corps.

NEW YORK FUNERAL

by Lucinda Tang (LAW III)

how he was lion-hearted!
city lights at dusk and Frank Sinatra's smile
and suited children, city women
with hidden legs
weeping

he knew their breadth
(or so all say)
with his brown banker's fingers
played upon lives
prised out the harmonies
of the rich
and laughing

that last sickness swivels low
pirouettes and sings
and greets grey strangers
with a mouthful of cobble teeth
(Sinatra's grin, wine-dipped
in tawdry balladry)

my Chinese has improved, a man
observes, invisible as they swarm
'round prosciutto and lemon-soaked
mushrooms, let me teach
you a phrase: mei wen ti, it means
no problem
my friend says he's never heard
an American with such an accent
in sixty-six when I was in Vietnam
I learnt Vietnamese

outside, the avenues list
dry with condolences
bluestar robs the last cunning
flickers of nostalgia
blearily reflects upon the widow's snarl
ill with love half-chewed
and discarded by strangers
like that expensive cheese
on the marble table-top
behind the Japanese screens

an exhausted barrister crafts
Bloody Mary's for the young
who pocketed some plastic grief
black is the deity of joy
in some countries
or so I think, folding:

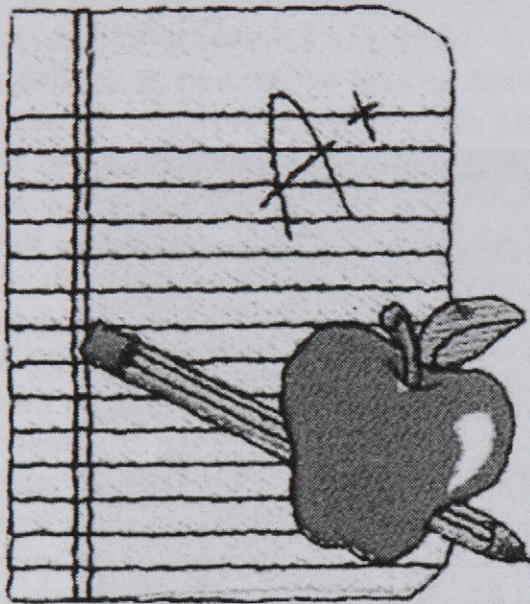
the trouble with death is
it spoils a perfectly

lovely day.



Grading vs. Marking

by Michael Shortt (LAW I)



Why do we grade students' work? As someone who's worked as a McGill TA, I can tell you that it isn't for a professor's benefit. Marking 80 exams on a deadline is a soul-deadening process. And it's not so the faculty can point to its 3.000001 GPA either; Yale and many other law schools have abandoned grading altogether in favour of a pass/fail system. Depending on how cynical you are, the answer is either ironic or blindingly obvious: the grading system exists to benefit students.

Of course, the way in which we as students gain from that 3.000001 GPA isn't always obvious. Broadly speaking, grading serves two broad purposes: assessment and motivation. The first purpose of marking is to provide students with an evaluation of their progress, and for this reason grading

schemes must be strict, accurate and include suggestions for improvement.¹ The second, and often-overlooked, purpose of grading schemes is to motivate student effort.² Achieving this function, to paraphrase a famous British jurist, requires grading not only to be fair, but to be seen to be fair. To the extent that a grading scheme is seen as non-arbitrary, it will encourage students to work hard to fulfill its standards.³

It's not my place to declare whether McGill's grading system is fair (although I'm sure we all agree it's strict!), so I'll focus on the commentary and improvement aspect. How well does grading in the law faculty live up to this criteria? In a word: inconsistently.

Let's take my Foundations exam as an example. In keeping with Charlie Feldman's article two weeks ago about information sharing, I'll start off by saying I got a B+. That's a good grade. I'm very happy with it. Yet at the same time, a B+ is far from perfect. Clearly my exam had areas which could have been improved on, or else it omitted key aspects of the question we were asked to answer. What kind of feedback did I receive? Virtually none. Two check marks, two circled typos and "very interesting essay" on the final page. How can I possibly use this feedback to write a better essay next time? Sure, example "A" essays were posted on WebCT. But there is a vast difference between personalized feedback and comparing your work to someone else's. In the first case, the professor provides a guide to improve-

ment. In the second, the student is expected to infer her weaknesses and strengths on her own. The latter is not a reasonable expectation for L1 students. This above example is not intended to single out the professor in question; from what my fellow L1s have told me, sparse or non-existent comments are typical.

On the other hand, my contracts exam was covered in comments, suggestions and criticism. Professor Dedek should be commended for his hard work and dedication to teaching. Ditto Legal meth, where I also got lots of feedback (although I've heard that some TAs are far more generous with comments than others). If you asked me to explain why I got the grades that I did in each of those classes, I could tell you. In the case of Foundations, I could not do so on the basis of the feedback I received.

The faculty's feedback is neither universally good nor universally bad. But as a world-class law school we should not accept inconsistent performance. Our goal should be to provide every student with a detailed explanation for the grade she received, and practical suggestions for how she can improve. Circling typos is a natural instinct for all graders. Yet this alone won't make students better lawyers. Or even better law students. Students require, and deserve, something more profound.

1 Christopher Knapper. "Research on college teaching and learning: Applying what we know" (2004, May 21-24) Background discussion paper prepared for the Teaching Professor Conference, Philadelphia at 2.

2 George D. Kuh and Shouping Hu, "Unravelling the complexity of the increase in college grades from the mid-1980s to the mid-1990s" (1993) 3 Educational Evaluation and Policy Analysis 297 at 316.

3 Of course, a system can be fair, yet still encourage the wrong kind of behaviour. Example: my one paragraph of independent thought in our legal meth memo received the comment "Where are the authorities?" Will I try being original in that class again? Probably not.

Public Forum on Afghanistan: A New Way Forward

by Mina Chamsi (LAW I)

Jacqueline Kirk was an Adjunct Professor in the McGill Faculty of Education. Outside the Roddick gates, she expanded education from being a privilege to a right. Dr Kirk, as an active member of the Inter-Agency Network for Education in Emergencies, strongly believed in gender equality through the promotion of education for young girls. Having founded the International Rescue Committee, the Inter-Agency Standing Committee's (IASC) Education Cluster and Gender Sub-Working Group, she led a struggle for the equal access to quality and safe education to all children affected by political and/or economical instabilities in their country. The list of her achievements goes on; the noble projects she undertook only illustrate her ongoing battle for an equal access to education, be it in a rural area in Kabul or in downtown Montreal.

She dedicated her short life to this goal. Jackie was tragically killed along with her colleagues Mohammad Aimal, Shirley Case and Nicole Dial, in an ambush in Logar Province, Afghanistan, on Wednesday 13 August 2008.

I had the privilege to meet her. She has kept me inspired with her sense of purpose and positivity. Whenever I get despaired by the situation of my home country, I remember her and those like her who keep fighting against ignorance, corruption and war that have plagued Afghanistan. I began law school with the special memory she left me: that "education was the most powerful weapon which you can use to change the world". (*Mandela*). She showed it to me with the books she was going to bring to Afghanistan, as if they were bandages with which she would heal the injustices.

Le 10 février prochaine, c'est en son honneur et celui de ses collègues que sera tenu le Forum public sur l'Afghanistan, où seront discutés les enjeux actuels du pays dans lequel ils ont perdu leur vie.

L'histoire de l'Afghanistan est ponctuée de guerres d'invasion et de guerres civiles, qui ont laissé des empreintes sur son paysage culturel et qui s'apparentent au relief montagneux du pays. L'histoire douloureuse de ce peuple qui n'a cessé de se battre et de résister peint un triste tableau. Elle est marquée par dix ans d'occupation soviétique dans le contexte de la Guerre froide, sept ans de guerre civile disputée entre les deux idéologies dominantes, cinq ans de terreur sous un régime fondamentaliste mené par les Taliban, et l'Afghanistan est à sa huitième année d'occupation étrangère coordonnée par l'OTAN.

En 2009, 2 412 civils ont été tués. Le pays a été classé avant-dernier dans l'Indice du développement humain. 8.5 millions d'individus, soit 37% de la population, se trouvent en situation d'insécurité alimentaire. Ce sont 400 000 personnes qui, chaque année, sont affectées par les désastres naturels. 70% de la population n'a pas accès à de l'eau potable. Le taux de mortalité infantile est de 257 morts pour 1000 naissances. Le taux d'alphabétisation est de 28% pour les hommes et de 12% pour les femmes. Une femme meurt toutes les 27 minutes au pays. L'espérance de vie est de 43 ans.

Cette réalité serait bien loin de nous, si ce n'était la présence canadienne en sol afghan. Le Canada y a perdu des soldats et des sommes considérables ont

été engagées dans une intervention qui aujourd'hui encore est sujet à débat. Peu importe notre position sur ce sujet, il reste de notre intérêt en tant que citoyens canadiens de se tenir informés sur l'état de la situation sur le terrain. Ce forum répond, entre autres, à cet objectif.

The panelists will share their respective reflections: What is the role of the NATO mission in Afghanistan, in which Canada is involved? What will likely be the situation in the country post-2011? What is the situation of Afghan women and ethnic minorities?

You are all invited to join the conference.

What: Public Forum on Afghanistan: A New Way Forward

When: February 10th from 6:00 p.m. to 8:00 p.m. (followed by a reception)

Where: Moot court, Faculty of Law, McGill University

Moderator: Keith Stanski, Sauvé Scholar and D.Phil candidate at Oxford University

Panelists:

Honourable Flora MacDonald, Former Secretary of State for External Affairs and Founder of Future Generations Canada; **Prof. Stephen Saideman**, Canada Research Chair in International Security and Ethnic Conflict, McGill University; **Michael Wodzicki**, Deputy Director, Rights & Democracy; **Mirwais Nahzat**, Sauvé Scholar and President of the Centre for Afghanistan Progress.

THE COMPOSTING REPORT: WEEK 1

par **Hugues D. Bergeron (LAW IV)** et **Meredith Cairns (LAW II)**

Nous en sommes déjà, cette semaine, à notre troisième semaine de compostage à la faculté de droit. Nous vous ferons ici un rapport de la première semaine d'activité, c'est-à-dire celle du lundi 18 au vendredi 22 janvier. Nous discuterons également, en général, du succès de l'initiative jusqu'à maintenant. Si vous n'avez pas beaucoup de temps, vous pouvez vous référer simplement aux points principaux de notre texte, que vous trouverez à la toute fin.

First of all, the composting bins were placed in the faculty on Friday the 15th of January. We empty them every Tuesday and Friday. Initially, there were six bins placed in the faculty: two in the basement, close to the two tables in the lockers area; two in the Atrium (one at the top of the stairs, one at the bottom); two in the cafeteria (one close to the door which leads outside, one close to the glass window close to the LSA office). Two bins were removed during the first week: one of the two ones near the tables in the basement and the one at the top of the stairs in the Atrium. These bins were removed because there was another bin close to each of them and there was not enough compostable material in each of these bins to justify the presence of a second bin so close to them in such close proximity. Also, each time we empty one of the bins, we need to put a new (big!) plastic bag in it: using two bins when having just one is sufficient therefore means using twice as much many plastic bags for no reason. Our calculation was that removing these bins wouldn't decrease the amount of compostable material collected because of the presence of other bins since, as said before, in each case there was another bin very close by.

Bref, lors de la première semaine, nous avons pu ramasser près de 100 livres de matière compostable. La majorité de ces 100 livres nous vient de *Matteo's*, qui a gentiment accepté de

participer à notre projet. En fait, il est raisonnable d'estimer qu'environ 65 livres de matière organique nous sont venues de son entreprise pendant la première semaine.

Nous avons aussi pu remarquer une augmentation significative de la quantité de matière compostable venant des étudiants (c'est-à-dire, ne venant pas de *Matteo's*) à l'intérieur de la première semaine uniquement. Certains étudiants semblent, en fait, apporter leur composte de la maison et le verser dans nos contenants. Nous sommes très contents que les étudiants aient pris cette initiative mais il y a certaines choses qu'ils ne doivent pas oublier!

First of all, you shouldn't simply throw your plastic bag (with the compost in it) in our bins, but rather empty your plastic bag in the bins. If there is a plastic bag in one of the bins and we want to compost the rest of the content of this bin, we will have to remove the plastic bag from there, which isn't the most enjoyable of activities (even if we wear gloves to do it!). We would therefore greatly appreciate if you didn't put your plastic bags in the composting bins.

Quelques autres petits trucs importants, dont on doit se souvenir : dans le système que nous utilisons, le pain ne peut être composté, ni quoi que ce soit qui contient des huiles (par exemple, une salade avec de la vinaigrette). On ne peut composter les aliments cuits non plus. Si la proportion de ces types d'aliments devient trop considérable, nous ne pourrions pas composter l'intégrité des matières organiques collectées. Jusqu'à maintenant, nous ne nous approchons pas du seuil qui nous forcerait à jeter la matière. Néanmoins, nous tenons à vous le rappeler, afin de pouvoir continuer dans la bonne direction.

A few other things to keep in mind: if you put fruits in the compost, remem-

ber to remove the labels on them (if there are any); same thing with the tea: the bags can be put in the compost but the paper labels have to be removed. Actually, napkins and other things made out of paper can't be composted with the system we use right now.

EN BREF :

- ÇA VA BIEN! ON COLLECTE BEAUCOUP DE MATIÈRE COMPOSTABLE ET LE TAUX DE CONTAMINATION EST BAS!

MAIS, IL Y A PLACE À L'AMÉLIORATION :

- NE METTEZ **JAMAIS** DE MATIÈRE NON-ORGANIQUE DANS LES CONTENANTS DE COMPOSTAGE

- SI VOUS APPORTEZ VOTRE COMPOST DE LA MAISON, NE METTEZ PAS VOTRE SAC DE PLASTIQUE DANS NOS CONTENANTS DE COMPOSTAGE : N'Y METTEZ QUE SON CONTENU!

- PAPER LABELS ON FRUITS, PAPER LABELS ATTACHED TO TEA BAGS, NAPKINS, AND OTHER THINGS MADE OUT OF PAPER CAN NOT BE COMPOSTED. MAKE SURE YOU DON'T PUT THEM IN OUR BINS!

- ANYTHING THAT CONTAINS OIL, LIKE SALAD DRESSING, CAN NOT BE COMPOSTED. BREAD CAN NOT BE COMPOSTED EITHER

Si vous avez des questions, ne vous gênez pas pour contacter l'un de vos commissaires à l'environnement, Meredith Cairns (meredith.cairns@mail.mcgill.ca) et Hugues D. Bergeron (hugues.dore-bergeron@mail.mcgill.ca).

On continue le bon travail!

Hugues D. Bergeron et Meredith Cairns

Managing Stress: All We Need Is Love and a Bit More Sunshine :D

by Francisco Torres (LAW II)

One month into second semester and it's clear that many students are stressed. Grades, extracurricular obligations, "The Factum" for those in second year, controversial articles in the Quid, and so on - all contribute to our stress levels. While sitting in my apartment, pulling out my hair because of the lack of sources for some of my arguments, I remembered that sometimes our ability to deal with stress is compromised by how we take care of our bodies. I stopped consuming my frozen pizza and cola, and began researching some of the following topics.

Sunshine and vitamin D: not only will you receive more flirty glances as you walk along St. Catherine, it will also enhance your mood and overall health. Research indicates that adults should receive 5,000 IU per day. There is no way to measure how much is consumed with exposure to the sun so please consider the 3 following guidelines on how to get more VD:

1. Expose yourself regularly to midday sun in late spring, summer, and early fall. Expose as much of the skin as possible (while avoiding a charge of indecent exposure and/or a sunburn).
2. Go to a tanning salon in the colder months. Ask for the beds that provide more UVB light as this will provide you with more VD and a deeper tan. Once a week is enough. Don't forget to insist to the employees that you are not superficial on any level and that you are strictly there for medical purposes. This will surely change their opinion of you.
3. Lastly, take VD pills. 5,000 IU is recommended but multivitamins with more than 1000 IU are cool too.

Eat better: there's plenty of advice on the net, in books, and from your mother on how to eat better. A general consensus from my research is to eat less packaged foods (like frozen pizza that contains 70% of your daily recommended sodium intake) and more vegetables, fruits, grains, and legumes. A simple trick is to "eat the rainbow". Pick fruits and veggies of all different colors. More advice:

- Whole grains (AKA complex carbohydrates) create a relaxing neurotransmitter serotonin during digestion.
- "You're gonna love my nuts!" Nuts are loaded with Vitamins E & B, which can help your body hold up during unpleasant events (such as moot-ing).
- Avocado! Great for lowering blood pressure and ideal for avoiding a heart attack when the Colts are down by 8 points with 30 seconds left in the game.
- Avoid sugary foods, salt and refined-grain products.
- Keep portions moderate. Don't finish those last few bites if you're full. Kids in starving countries are not going to benefit from you having a weight-related illness.

Lastly, say NO to coke and sugary pops (it's just as bad as bears' meat- and everyone knows bears are threat "numero uno" to America). Say YES to water. Water is also good for your skin.

<http://eatdrinkbetter.com/2009/01/28/8-easy-nutrition-tips-to-combat-stress/>
http://www.helpguide.org/life/healthy_eating_diet.htm

Exercise: Just because you may not

have a forum to display your beautiful body, doesn't mean there aren't any benefits to exercise. Research suggests that exercise may be linked to lower physiological reactivity to stress. Exercise decreases stress hormones (like cortisol) and increases endorphins (the feel good chemical). This will surely give your body a much needed natural boost.

With exercise you can also feel a little less worried about your overall health. I personally go to the gym to take out my frustration with Canadian politics. Needless to say, I go a lot!

Sleep: The less shut-eye you get, the more stressed you are. The more stressed you are, the less shut-eye you get. Here are some hints on getting more:

- Get into a "wind-down routine" 30-60 minutes before bed: avoid stimulants such as TV, loud music, phone, and erotic books. Try to create quiet, darkness, and calm. If there's too much noise outside, try blocking it with white noise, such as a fan. Try to find the unique routine that relaxes you.
- Room temperature: Experiment a bit. Most people prefer slightly cooler rooms with some ventilation.
- Reserve your bed for sleep: Avoid associating your bed with work and stress. Make it your SSS (sleep & sex spot).
- Avoid large meals two hours before sleep, but do have a light snack before sleep such as a glass of warm milk, whole-grain, low-sugar cereal or granola with low-fat milk or yogurt, or a banana and a cup of hot chamomile tea.
- Big nay nays before sleep: Too

QUID NOVI

much food, too much liquid, alcohol, caffeine, and smoking (it's gross anyway).

There's lots more info at:

http://www.helpguide.org/life/sleep_tips.htm

NOTE: Sleeping disorders are serious and you should seek additional resources and/or medical help.

LOVE: Finally, we can all use a few more hugs and kisses. Hugs actually lower blood pressure and reduce stress, which cuts the risk of heart dis-

ease. Hugs can improve your overall mood, increase nerve activity, and has an immediate anti-stress effect, slowing your breathing and heart rate. Its science! A study from University of North Carolina showed that hugs increase levels of hormone oxytocin and reduces blood pressure.

<http://www.smart-heart-living.com/hugs-and-heart.html>

Sex: Lastly, sex is a great way to reduce stress. Puts you in a great mood, lowers blood pressure, lowers the heart rate and cortisol levels in women, and gives you the benefits associated with human contact (as dis-

cussed above under LOVE).

Additionally, when you reach orgasm you also benefit from deep breathing, a sense of social support, endorphins, and a good workout!!!

I can assure you this will not convince someone to sleep with you but if you have the opportunity, take it! Please de-stress safely and responsibly.

<http://stress.about.com/od/general-techniques/a/sexandstress.htm>

DROIT À L'IMAGE

Charlie Feldman (LAW II)

Factum Haikus

I write the factum (5)
My arguments are point first (7)
But my points are moot (5)

We met them first year: (5)
Azimut, Quicklaw, Westlaw (7)
What is my password? (5)

Bad thermometers (5)
And a lawyer not prepared (7)
Sucks to be Douglas (5)

Outside it's so cold (5)
Let's go into the hot tub (7)
Made by cirque du bain (5)

What fills me with joy? (5)
My new practice area: (7)
B.C. Family (5)

Argument is weak (5)
There are no cases on this (7)
Let's make something up (5)

J'adore le factum (5)
Mon partenaire, il fait tout (7)
Je l'aime beaucoup mieux (5)

Attention judges (5)
You should do what we have to: (7)
Use a Cite Guide (5)

What does the Code say? (5)
It does not make any sense (7)
Bless you, Azimut (5)

Conflict of interest (5)
I have one of those as well (7)
No factum interest (5)

It is factum time (5)
I have no motivation (7)
Time to watch TV (5)

Let me write the facts (5)
This would be much easier (7)
With the bench memo! (5)

Team Stars or Aces (5)
Such a big life decision (7)
I did choose poorly (5)

Almost done with meth (5)
Can't wait to be done mootng (7)
Lots of drinks after! (5)

DROIT À L'IMAGE

Charlie Feldman (LAW II)

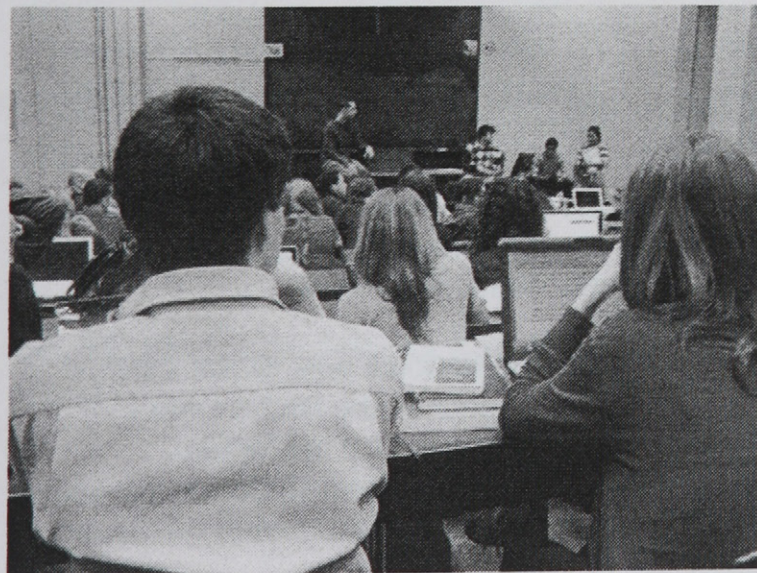


Everything's coming up Rosalies!

The Quid snapped our two favourite Rosalies at the Annual McGill Law Journal Lecture. As they say in those shampoo commercials, if you can't tell the difference, why should we?! Well, the real difference is that one was sporting some AMAZING stockings. The Quid never thought it'd give the highest court its highest fashion review, but, unlike our sister publication, *Vogue*, we recognize Supreme fashion when it is before us!

Goodnight Desdemona (Good Morning Juliet)

Actus reus indeed did rock
Soaring higher than a shuttlecock
In rhyming verse the Quid gives praise
If you missed it, you're such a knave
Standout performances all around
In the audience, smiles abound
It's over now, our hearts torn asunder
'What will they do next year?' we all wonder.



Factum Factum Factum

Factum info session. Never has the Quid seen so many 2Ls in one place without free food being offered. By the time you see this you'll hopefully be done (if not, you only have a few hours left, so put this down to get to work!!!!) unless you're in the play. So, since most of y'all are probably done (and I'm procrastinating right now by writing this, so sorry to my partner, Dan) CONGRATS ON BEING DONE WITH THE FACTUM... well, except for the moots....

1L Bowling

Si vous pensez que vous êtes "nerd", voici les noms choisis pour le jeu de quilles par l'un des presidents de promotion de 1er année. Le Quid est impressionné, mais trouve ces choix NERD quand même!!

DENNING	1	2	3	4
DENNING				
TASHEREAU				
HILBERFORCE				
ATHINS				
POTHIER				
MCLAUGHLIN				

DROIT À L'IMAGE

...Disons... (Overheard at the Faculty)

Submissions:
quid.charlie@gmail.com

(Note to Profs: If you don't want quotes from your classes being used, drop us a note – we're nice about it, swear!)

Prof. Jukier (in contracts): I love teaching this course – I don't have to worry about Charlie writing down everything I say and putting it in the Quid.

Prof. Brooks (in tax): "I'm going to give out this CD-rom that you will... cherish forever. But you cannot use it on a Mac... 'cause we don't like Macs in the tax world. We think they're too cool. And if you spend too much time being cool, tax is not for you!"

Prof. Klinck: "Some of the best people I know – some of them with the highest moral standards – are parking lot attendants"

Prof. Klinck: "I don't want a red car – I'm not *that* kind of guy"

Prof. Klinck: "I was storing my daughter's ex-boyfriend's stuff in the basement, I kinda hoped it would all get flooded..."

Prof. Klinck: "I didn't want to say anything mean to my daughter's boyfriend at the time - he was a football player, after all. We once played catch, and well, I'm a little guy, but he told me I had a mean throw that hurt his hand. What he didn't know was just how much anger a father can have at a man dating his daughter"

Prof. Klinck (paraphrased): "So, I was on this flight and it started vibrating violently and we were scared and then the pilot came on and told us it was ice on the propeller that was building up, and that it was normal. He said he would fly lower so that the ice would break up, but then the ice started slamming against the side of the

plane! So I started thinking, are there any positive aspects to me dying? Well, I don't have to prepare for CML prop"

Prof. [Redacted]: "Yeah, so we were the bailee with 100 bottles of whisky.... My wife drank it all"

Prof. [Redacted]: "That's not a carrot – THAT'S A STICK" (and in a later class) "I scream, but I don't bite!"

Prof. Jukier: "Back when I was a stagiaire ... in the ice age ..."

Prof. Jukier: "I'm sorry we're jumping around the Code – I DIDN'T WRITE IT!"

Prof. Jukier (paraphrased): In every lawyer movie there's always that scene where the doors open at the back of the courtroom fling open and everyone turns around and the surprise witness comes in and makes the case and saves the day ... I know a lot of you went to law school to live that moment, BUT, and I'm sorry to have to tell you – it doesn't exist. It doesn't happen like that.

Prof. Jukier: "Watching 'My Cousin Vinny' should be a prerequisite to graduating law school! It's the BEST movie!"

1L: I don't want to argue with you, Professor.

Prof. [Redacted]: And I don't want to argue with you!!!

1L: But I'm so mad!

Other 1L: Ah, they're so cute! Like a married couple!

(The Quid apologizes for the paucity of Prof quotes this week as it celebrated a birthday – but, don't forget to submit things!)

Prof. Klein: I would skip class too on my birthday!!!

From the Quel avenir pour le fait français au Canada event:

Justin Trudeau: Je suis intéressant...

Charlie Feldman (LAW II)

euh désolé... intéressé par vos questions.

Justin Trudeau : Dans les écoles à Vancouver, on enseigne le français comme on enseigne le latin au Québec
Josée Legault : Ouais, trouve où on enseigne le latin au Québec...

4L: How come you never have any 4L quotes in the Quid?

3L: I WANT TO BE JUSTICE ABELLA!!!!

3L: Go up to him and say 'Nice bag, ho bag' – you'll be surprised!

3L: I want to judge a moot and make a 2L cry!

3L: Is it too late to do Law School of Rock? I want to pay homage to The Teenage Mutant Ninja Turtles in song.

2L: Ugh, I kinda wish we had another fire drill just so I could get out of [redacted].

2L: There are NO cases on this. I am going to start my own court and come up with my own precedents!

2L: Wait, this whole thing involves hot tubs, which have water, so, like, maritime conventions?

2L: I wish I had talent like those people in the play... instead, I can't even get WestLaw to work...

2L: The National post thinks I should just go back in the kitchen and I shouldn't even try my factum.
pause Well, I am kinda hungry and I don't really want to work on my factum....

1L: "at the risk of being hit by a densely packed snowball in my orbital bone as I exit the building in a few minutes..."

1L: Star Children. SERIOUSLY?!?! Who comes up with this nonsense?!

1L: What is this factum thing I keep hearing about? Does everyone get Bs

DROIT À L'IMAGE

Charlie Feldman (LAW II)

on that too?!

the most important part goes first.
Caulisse, je m'en!

school?!

1L: Je m'en caulisse. There you go.
Point first. Wait, no. Point first means

1L: Am I the only one who likes law

1L: I love the Quid, but can you guys
use spell-check?!?!?

VALENTINES IN THE QUID

The Quid publishes on February 9th, just before Valentine's Day, and Droit à l'image wants to fill its pages with love. So, shoot an e-mail to quid.charlie@gmail.com with your valentines. Shout-out a friend or classmate, your secret crush, or even your favourite Prof! Send as many as you want - we just want to share the love! (Yes, you can be anonymous!)

Au lieu de séduire votre amant(e) avec les paroles d'une chanson de Céline Dion, divulguer votre amour dans Le Quid!!

Examples:

From SS (3L) to AJ, MT, RB (3Ls): LOVE YOU GIRLS!!!!!! I came to law school to find my husband, but I'm happy I found my bridesmaids!

From CF (2L) to DH (2L): You were my factum partner... but will you be my life partner?

From RS (4) to LP (1L): You are the Nahum to my Gelber.

From CF (2L) to CP, CS, AM, MAP, CC (2L): Quand je m'endors contre ton corps, alors je n'ai plus de doute... l'amour existe encore!

From CF (2L) to CS (2L): Just like JoJo, this message in the Quid might be 'too little too late' but I hope we can get past that whole...infidelity thing...

From FL (2L) to MS (1L): You are a special and wonderful person and I love you!

To: TB (3L): You are my fire, the one desire... believe when I say, I want it that way. – Your secret admirer

From: anonymous (?L) to RG (2L): PEI sucks, but you rock!

From anonymous (3L) to Prof. Fox-Decent: They really should take the 'decent' out of your name because you are a total Fox!

Okay, so that last one may be over the line, but you get the picture. Spread some love – deadline is Feb 6th. quid.charlie@gmail.com

INVITATION



BARREAU DE MONTRÉAL

Le McGill Law Women's Caucus

et

Le comité des avocates dans la profession
du Barreau de Montréal

vous offrent une opportunité unique
et excitante :

le 5 à 7 Rencontre.

Plusieurs femmes faisant carrière dans divers secteurs du monde juridique seront présentes pour venir vous rencontrer et parler de leurs expériences professionnelle et personnelle. Les rencontres se feront par rotation, avec des petits groupes d'étudiants à chaque fois. Nos invitées répondront à vos questions, dont celles sur leur parcours et comment elles ont réussi dans leur carrière.

Parmi les invitées figureront l'honorable **Pierrette Sévigny**, juge à la retraite de la Cour Supérieure du Québec, ainsi que des femmes travaillant en droit de la famille, en droit municipal, en droit corporatif, en droit criminel, en droit du divertissement... et plus encore !

Vin et fromages suivra. Nous espérons vous y voir !

The McGill Law Women's Caucus

&

The Women in the Legal Profession
Committee of the Bar of Montreal

Present a unique and exciting opportunity:

The 5 to 7 SPEED-MEET event.

A variety of women lawyers from a wide spectrum of legal careers will be present to sit down with students in small groups to answer questions about their lives and careers – and how they've attained success in their respective fields.

Invited guests include the Honorable **Pierrette Sévigny**, Retired Judge of the Superior Court of Quebec, as well as women working in family law, municipal law, corporate law, criminal law, entertainment law... and more!

There will be a wine and cheese cocktail after.

We look forward to seeing you there!

**Étudiants : vous devez confirmer votre présence sur MyFuture
(les places sont limitées !)**

Le mercredi 10 février 2019, de 17 h à 19 h

L'Atrium

New Chancellor Day Hall – Faculté de droit

3644, rue Peel

Students: RSVP on MyFuture (space is limited!)

Wednesday, February 10, 2010 from 5pm to 7pm

The Atrium

New Chancellor Day Hall – Faculty of Law

3644 Peel Street